

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
ROBERT J. GLADWIN, JUDGE

DIVISION I

CA07-747

JANUARY 30, 2008

BRUCE BULLARD

APPELLANT

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. F502578]

V.

WHITE'S SIGN COMPANY

APPELLEE

AFFIRMED

Appellant Bruce Bullard appeals the June 1, 2007 decision of the Arkansas Workers' Compensation Commission (Commission), which denied his request for additional medical and disability benefits. Appellant contends on appeal that the Commission's decision is not supported by substantial evidence, that he is entitled to benefits under Arkansas Code Annotated section 9-11-404, additional medical treatment, and temporary-total-disability benefits after September 23, 2005. We find no error and affirm.

In reviewing decisions from the Commission, we view the evidence and all reasonable inferences deducible therefrom in the light most favorable to the Commission's findings, and we affirm if the decision is supported by substantial evidence. *Smith v. City of Fort Smith*,

84 Ark. App. 430, 143 S.W.3d 593 (2004). Substantial evidence is that which a reasonable person might accept as adequate to support a conclusion. *Long v. Wal-Mart Stores, Inc.*, 98 Ark. App. 70, ___ S.W.3d ___ (2007).

The question is not whether the evidence would have supported findings contrary to the ones made by the Commission; there may be substantial evidence to support the Commission's decision even though we might have reached a different conclusion if we sat as the trier of fact or heard the case de novo. *Mize v. Resource Power, Inc.*, 99 Ark. App. 415, ___ S.W.3d ___ (2007). We will not reverse the Commission's decision unless we are convinced that fair-minded persons with the same facts before them could not have reached the conclusions arrived at by the Commission. *Id.* Questions of weight and credibility are within the sole province of the Commission, which is not required to believe the testimony of the claimant or of any other witness, but may accept and translate into findings of fact only those portions of the testimony it deems worthy of belief. *Cottage Café, Inc. v. Collette*, 94 Ark. App. 72, 226 S.W.3d 27 (2006).

The only issue in this appeal is whether sufficient evidence supports the Commission's determination that: (1) appellant failed to prove by a preponderance of the evidence that additional medical treatment remains reasonably necessary in connection with the compensable injury; (2) appellant failed to prove by a preponderance of the evidence that he remained within his healing period after September 23, 2005; (3) appellant therefore failed to prove by a preponderance of the evidence that he is entitled to additional temporary-total-disability benefits; (4) appellant failed to prove by a preponderance of the evidence that

suitable employment within his limitations was available with the employer subsequent to the time he was released to return to work; (5) appellant therefore failed to prove by a preponderance of the evidence that he is entitled to benefits per Ark. Code Ann. § 11-9-505(a). The Commission adopted the Administrative Law Judge's findings of fact, conclusions of law, and opinion, which adequately explain the decision. Having determined that the Commission's findings are in fact supported by substantial evidence, we affirm by memorandum opinion. *See In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Affirmed.

PITTMAN, C.J., and BAKER, J., agree.